

REMARKS

New Claims 31-36 have been added. Support for new Claims 31-36 appears in the specification at least at page 23, lines 10-25 and in FIGS. 8-11, 12A, 12B.

The Restriction Requirement.

The Examiner is requiring election to one of the following species under 35 U.S.C. 121:

- a. Species I: a method that uses a single substrate; and
- b. Species II: a method that uses a plurality of substrates.

Applicants hereby elect, with traverse, group b, Species II. Applicants further assert that all pending claims, i.e., Claims 1-11, 13-22 24-30 and new Claims 31-36, read upon the elected species. Further, Applicants assert that Claims 18-19, 21-22, 26-29 are generic.

The election is made with traverse due to the following:

- 1) the Examiner asserts that no claims appear to be generic whereas Claims 18-19, 21-22, 26-29 are generic;
- 2) the Examiner has already issued a substantive Office Action and thus has failed to make the required showing that examination of all the claims would present a serious burden on the Examiner; and
- 3) the Examiner has already issued two previous restriction requirements and thus the restriction requirement is piecemeal examination.

Specifically, MPEP § 803, entitled "Restriction-When Proper", sets forth:

If the search and examination of an entire application can be made **without serious burden, the examiner must examine it on the merits**, even though it includes claims to independent or distinct inventions. (pg. 800-4, August 2001, emphasis added.)

Applicants note that the United States and Patent Trademark Office has already issued a substantive Office Action dated June 30, 2004 on Claims 1-10 and 12-30. This demonstrates a lack of a serious burden on the Examiner to examine all pending claims.

Further, MPEP § 707.07(g) sets forth:

**Piecemeal examination should be avoided** as much as possible. (pg. 700-122, Rev. 2, May 2004, emphasis added.)

Applicants note that the United States and Patent Trademark Office has already issued two previous restriction requirements dated October 7, 2003 and June 18, 2003. Applicants assert that another restriction requirement after the previous restriction requirements amounts to unwarranted piecemeal examination.

For at least the above reasons, restriction is not proper and Applicants hereby request reconsideration and withdrawal of the restriction requirement.

### Conclusion

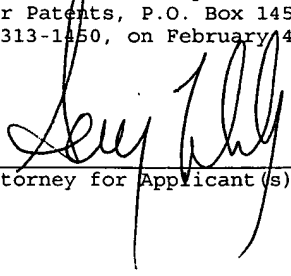
Claims 1-11, 13-22, 24-36 are pending in the application. If the Examiner has any questions relating to the above, the

• Appl. No. 09/764,196  
• Amendment dated February 4, 2005  
• Reply to Office Action of January 5, 2005

Examiner is respectfully requested to telephone the undersigned  
Attorney for Applicant(s).

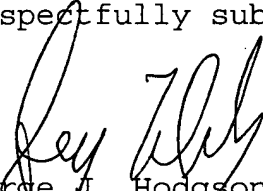
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Attorney for Applicant(s)

February 4, 2005  
Date of Signature

Respectfully submitted,

  
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